

**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A QUITCLAIM EASEMENT DEED ON NORFOLK SOUTHERN RAILWAY COMPANY PROPERTY RUNNING UNDER THE HOLLYWOOD ROAD BRIDGE LOCATED BETWEEN PERRY BOULEVARD AND BURTZ STREET, FOR THE PURPOSE OF ALLOWING THE CITY PUBLIC RIGHT OF ENTRY FOR MAINTENANCE OF THE APPROACHES TO THE HOLLYWOOD ROAD BRIDGE AND FOR MAINTENANCE OF THE BRIDGE; AND FOR OTHER PURPOSES.

WHEREAS, the Norfolk Southern Railway Company ("Railroad") has agreed to improve and reconstruct the bridge which carries Hollywood Road over the Railroad's right-of-way on Hollywood Road between Perry Boulevard and Burtz Street (The "Bridge Replacement Project"); and

WHEREAS, as part of the Agreement the City of Atlanta ("City") requires an easement over the Railroad's right-of-way for the purpose of providing the City a public right of entry for maintenance of the approaches to the Bridge and for maintenance of the Bridge; and

WHEREAS, the Railroad has agreed to donate said easement to the City for consideration of one dollar (\$1.00) for the public purpose of the City maintaining the Bridge and the approaches to the Bridge, and

WHEREAS, such easement is limited to the use for highway purposes of space required for approaches to said Bridge for columns, foundations, and other parts of the Bridge, and shall not restrict the Railroad from utilizing the air space under said Bridge for railroad operations and for wire lines or other facilities which will not encroach on the reasonable requirements for maintaining highway facilities; and

WHEREAS, the City and the Railroad agree that after the construction of the Bridge has been completed and accepted by the City, the City will own and maintain the Bridge; and

WHEREAS, the City, in its maintenance of the highway facilities and/or the Bridge, agrees to obtain permission from the Railroad before undertaking any work which may interfere with or be a real or potential hazard to passage of trains or other railroad operations.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor be and is hereby authorized to accept a quitclaim easement deed from Norfolk Southern Railway Company as part of the Hollywood Road Bridge Replacement Project, said quitclaim easement deed covering railroad property running under the Hollywood Road bridge located between Perry Boulevard and Burtz Street, for

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

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Council Meeting Date: June 2, 2008

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to allow the City of Atlanta to enter into an Agreement with the Norfolk Southern Railroad Company

2. Please provide background information regarding this legislation.

The Norfolk Southern Railroad intends to improve and reconstruct the Hollywood Road Bridge where it crosses the tracks of Railroad as part of a track extension. The City and the Railroad have agreed to cooperate to provide for the construction of a bridge structure and associated roadway approaches which will carry the City's Hollywood Road over the Railroad's right-of-way and tracks. The Railroad will prepare plans, specifications and special provisions relating to the proposed construction of the Bridge and submit the same to the City for its approval. The Railroad will construct the Bridge, together with associated roadway approaches, all in accordance with said plans, specifications, special provisions, as approved by City. The City agrees to furnish all traffic detours, excluding signalization. The City will also acquire right-of-way, including condemnation if necessary, for traffic signalization and intersection improvements associated with the detour.

The City, through its Department of Watershed Management, also agrees to permit the temporary removal of the existing water line, presently carried by the existing ridge to be demolished, to arrange for its temporary diversion to that portion of the Bridge to be installed in the first phase of the construction, if that is required, to install a new water line at the specified plan location and to remove any temporary water line from the new structure that may have been required by the work, at no expense to the Railroad.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Interagency Agreement

(b) **Source Selection:** N/A

(c) **Bids/Proposals Due:** N/A

(d) **Invitations Issued:** N/A

(e) **Number of Bids:** N/A

(f) **Proposals Received:** N/A

(g) **Bidders/Proponents:** N/A

(h) **Term of Contract:** N/A

4. **Fund Account Center:** N/A

5. **Source of Funds:** N/A

6. **Fiscal Impact:** N/A

7. **Method of Cost Recovery:** N/A

This Legislative Request Form Was Prepared By: Allen Johnson

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

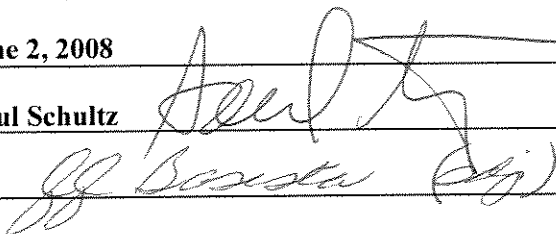
Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: May 14, 2008

Anticipated Committee Meeting Date(s): May 27, 2008

Anticipated Full Council Date: June 2, 2008

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: 

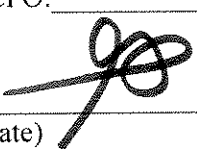
Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A QUITCLAIM EASEMENT DEED ON NORFOLK SOUTHERN RAILWAY COMPANY PROPERTY RUNNING UNDER THE HOLLYWOOD ROAD BRIDGE LOCATED BETWEEN PERRY BOULEVARD AND BURTZ STREET, FOR THE PURPOSE OF ALLOWING THE CITY PUBLIC RIGHT OF ENTRY FOR MAINTENANCE OF THE APPROACHES TO THE HOLLYWOOD ROAD BRIDGE AND FOR MAINTENANCE OF THE BRIDGE; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 5.14.08 Reviewed by: 
(date) (date)

Submitted to Council: _____